Thomas P. Riley, SBN 194706 LAW OFFICES OF THOMAS P. RILEY, P.C. First Library Square 1114 Fremont Avenue South Pasadena, CA 91030 Tel: 626-799-9797 Fax: 626-799-9795 TPRLAW@att.net **Attorneys for Plaintiffs** J & J Sports Productions, Inc. 7 8 UNITED STATES DISTRICT COURT FOR THE 9 NORTHERN DISTRICT OF CALIFORNIA 10 11 J & J Sports Productions, Inc., CASE NO. CV 09-2558 ADR MHP 12 Plaintiff, 13 PLAINTIFF'S EX PARTE VS. APPLICATION FOR AN ORDER 14 VACATING THE CASE James A. Dailey, et al. 15 **MANAGEMENT CONFERENCE; AND** ORDER (Proposed) 16 Defendant. 17 18 19 Plaintiff J & J Sports Productions, Inc., hereby applies ex parte for an order vacating the Case 20 Management Conference in this action, presently set for Monday, November 30, 2009 at 4:00 p.m. 21 This request will be, and is, necessitated by the fact that defendant James A. Dailey is in default and 22 Plaintiff's Application for Default Judgment is presently pending before the Court. As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive 23 pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendant concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the 25 case itself or the preparation of a Case Management Conference Statement. 26 /// 27 /// 28

PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. CV 09-2558 ADR MHP PAGE 1

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1	WHEREFORE, Plaintiff respectfully requests that this Honorable Court vacate the Case	
2	Management Conference presently scheduled for Monday, November 30, 2009 at 4:00 p.m. in orde	
3	that Plaintiff and its counsel may avoid necessary fees and costs in this matter presently pending fina	
4	disposition by virtue of Plaintiff's Application for Default Judgment by the Court.	
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7		Respectfully submitted,
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10		/ / / / D. D. D. J.
11		/s/ Thomas P. Riley LAW OFFICES OF THOMAS P. RILEY, P.C.
12		By: Thomas P. Riley Attorneys for Plaintiff
13		J & J Sports Productions, Inc.
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PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. CV 09-2558 ADR MHP PAGE 2

**ORDER** (Proposed)

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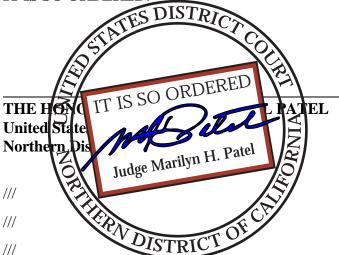
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It is hereby ordered that the Case Management Conference in civil action number CV 09-2558 ADR MHP styled J & J Sports Productions, Inc. v. James A. Dailey, et al., is hereby vacated.

Plaintiff shall also serve a copy of this Order on the Defendant and thereafter file a Certification of Service of this Order with the Clerk of the Court.

IT IS SO ORDERED:



11/30/2009 Dated:

PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. CV 09-2558 ADR MHP PAGE 3

PROOF OF SERVICE (SERVICE BY MAIL) 2 I declare that: 3 I am employed in the County of Los Angeles, California. I am over the age of eighteen years 5 and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, 6 California. I am readily familiar with this law firm's practice for collection and processing of 7 correspondence/documents for mail in the ordinary course of business. 8 9 On November 30, 2009, I served: 10 11 PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE 12 CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) 13 On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage 14 prepaid and following ordinary business practices, said envelope was duly mailed and addressed to: 15 16 James A. Dailey (Defendant) 17 6508 Sunnymere Ave. Oakland, CA 94605 18 19 I declare under the penalty of perjury pursuant to the laws of the United States that the 20 foregoing is true and correct, and that this declaration was executed on November 30, 2009, at South 21 Pasadena, California. 22 23 24 Dated: November 30, 2009 /s/ Maria Baird 25 MARIA BAIRD 26 27 28